

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as process of making and product made under M.P.E.P. § 806.05(f) and that the product could be made without the separation of different blended particles.

However, the Examiner has given no reasons to support the assertion that the product of Group I can be made without the separate preparation of the different particles, which particles are then blended to form the composition of the claims of Group I. Therefore, it is submitted that the requirements of M.P.E.P. § 806.05(f) have not been met and it is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, if the claims of Group I are ultimately found allowable, it is requested that the claims of Group II be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Further, if the search uncovers no prior art over which the elected species is rejectable, it is requested that the Examiner extend the search under M.P.E.P. § 803.02 to non-elected species.

Finally, Applicants traverse the Restriction Requirement on the grounds that thousands of U.S. patents have issued in which many more than two subclasses have been searched and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

Application No. 10/806,103
Reply to Office Action of March 28, 2006

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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